

REMARKS

Reconsideration is requested. The status of the claims is as follows:

Original: 1-15
Previously presented: 16
Currently amended: 18 and 23
Canceled: 17 and 19-22
New: None

With entry of this amendment, claims 1-16, 18 and 23 are pending. Claim 17 has been canceled herein. Applicant reserves the right to pursue the canceled subject matter in a continuing application.

References to prevention and/or inhibition have been removed from claims 18 and 23. Applicant reserves the right to pursue the deleted subject in a continuing application.

The modifier "pharmaceutical" has also been removed from combination claim 23.

None of the amendments introduces new matter.

Rejection under 35 U.S.C. § 112

Claims 16-18 and 23 have been rejected under 35 U.S.C. § 112, first paragraph, as not being enabled. Claim 17 has been canceled rendering the rejection moot as applied thereto. The rejection is traversed for claims 16, 18 and 23.

Claim 16 recites a pharmaceutical composition comprising a compound of Formula I according to claim 1, or its pharmaceutically acceptable salt, and a pharmaceutically acceptable carrier, but the rejection addresses only the method claims. If the inclusion of claim 16 was an inadvertent error, withdrawal of the rejection of claim 16 is requested. If the rejection of claim 16 was not in error, it is requested that a separate rejection of claim 16 and the basis therefor be included in the next communication to Applicants.

The rejection of claims 18 and 23 is believed to be due to their references to inhibition and/or prevention. The inhibition and prevention language has been removed from these claims. Withdrawal of the rejection of claims 18 and 23 is therefore requested.

Rejection under 35 U.S.C. § 102

Claims 1-15 have been rejected under 35 U.S.C. § 102(f) as being anticipated by US 7,211,572 (Miyazaki et al.). This rejection is traversed. Section 102(f) is concerned with derivation. According to MPEP § 706.02(g), the "examiner must presume the applicants are the proper inventors unless there is proof that another made the invention and that applicant derived

the invention from the true inventor." The Examiner has not provided any evidence whatsoever concerning derivation. Accordingly, this rejection is without merit and its withdrawal is requested.

The Examiner is invited to telephone the undersigned should any minor matters need to be resolved before a Notice of Allowance can be mailed.

Respectfully submitted,

By: Kenneth R. Walton

Kenneth R. Walton, Reg. No. 32,951

Attorney for Applicants

MERCK & CO., Inc.

P.O. Box 2000

Rahway, New Jersey 07065-0907

Tel.: (732) 594-3462

Date: October 31, 2007